

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

GARY A PATTERSON, JR.,

Petitioner,

vs.

STEVENS COUNTY,

Respondent.

NO. CV-12-027-JPH

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING PETITION

Magistrate Judge Hutton filed a Report and Recommendation on March 12, 2012, recommending Mr. Patterson's habeas corpus petition be dismissed without prejudice as he failed to comply with Rule 3(a)(2), Rules Governing Section 2254 Cases in the United States District Courts. ECF No. 5. Mail sent to Mr. Patterson at the Spokane County Jail was returned with the notation, "not in jail." ECF Nos. 4 and 6. Petitioner has failed to keep the Court apprised of his change of address and has filed nothing further in this action.

Accordingly,

1. There being no objections, the Court **ADOPTS** the Report and Recommendation.

2. The Application to Proceed *in forma pauperis* is **DENIED** for failure to comply with the Federal Habeas Rules and the Petition is **DISMISSED WITHOUT PREJUDICE**.

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ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING
PETITION -- 1

1 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
2 Order, forward a copy to Petitioner and close the file. The Court further certifies that
3 pursuant to 28 U.S.C. § 1915(a)(3), an appeal from this decision could not be taken in
4 good faith, and there is no basis upon which to issue a certificate of appealability. 28
5 U.S.C. § 2253(c); Fed. R.App. P. 22(b).

6 **DATED** this 10th day of April 2012.

7
8 s/Robert H. Whaley
9 **ROBERT H. WHALEY**
10 United States District Court
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